(4) CF1002 SINGLE BENCH

In the Hon'ble High Court of Chhattisgarh, Bilaspur.

W.P.No....4385....2006

Petitioner - Shrimati Jaya Chandrakar, Aged 38 years,
wife of Chiranjivlal Chandrakar,
Shikchha Karmi Varg-1,
R/o Village, Post-HANODA,
Tah. & Distt. DURG (C.G.)

P.R. No. 4827/06
Presented by Shri SKVarma
dated 31/8/06

Versus

Respondents

1. The State Govt. of Chhattisgarh,
Through the Secretary,
Panchayat Department Ministry,
D.K.S. Bhawan, Raipur (C.G.)

2. The Director of Panchayat,
State Govt. of Chhattisgarh,
Raipur (C.G.)

3. Jila Panchayat, Durg.
Through the Chief Executive Officer,
District Panchayat, Durg.

4. District Education Officer,
Durg (C.G.)

5. Collector, Durg (C.G.)

RE-D-COPY 31/8/06 ADVOCATE H. C. BILASPUR

Writ Petition Under Articles 226/227 of The Constitution Of India for the issuance of WRIT in the nature of MANDAMUS certiorari, Prohibition and for other suitable writ or writs, order or orders, direction or directions.

(35)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (s) No. 4785 of 2006

Petitioner : Shrimati Jaya Chandrakar

Versus

Respondents : The State Govt. of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Shri Ajay Shrivastava, Advocate for the Petitioner.
Shri Satish Gupta, Dy. Govt. Advocate for the respondents/State.

ORDER
(6th September, 2006)

1. Earlier the petitioner had filed a writ petition being W.P. No. 2625/2004, claiming employment on the post of Shiksha Karmi Grade-I, on the ground that despite vacancy being available, the petitioner was not appointed as Shiksha Karmi Grade-I in Chemistry subject. After hearing both the parties, the petition was allowed by order dated 30.8.2005 and the Director, Panchayat was directed to accord necessary approval for appointing the petitioner as Shiksha Karmi Grade-I in Chemistry, within a period of 3 weeks from the date of receipt of this order.

2. In compliance of the order dated 30.8.2005, passed in W.P. No. 2625/2004 the approval of the Director was granted on 30.9.2005 (Annexure P/4) for appointment of the petitioner on the post of Shiksha Karmi Grade-I in Chemistry subject.

3. In the present petition, the petitioner claims seniority in appointment over other Shiksha Karmi Grade-I who were appointed earlier, on the ground that other similarly situated

employees were appointed in July, 1998 and also for payment with retrospective effect from July, 1998. It is further prayed that the petitioner's pay be fixed accordingly and the respondents be directed to pay consequential monetary benefits with interest at the rate of 18%.

4. When the petitioner was appointed after approval on 30.9.2005 (Annexure P/4), the petitioner cannot be granted appointment with retrospective effect. The petitioner may be in the select list prepared in July, 1998, but the seniority or appointment of the petitioner in the service begins from the date of his actual appointment. Even in the case of other employees, who are selected from one list, the service begins from the date of their joining, not from the date of preparation of the list.

5. In the present case, the actual appointment of the petitioner has come into effect from 30.9.2005, may be on the basis of select list, prepared in July, 1998. Thus, the respondents cannot be directed to give appointment to the petitioner with retrospective effect from the date of appointment of other Shiksha Karmi Grade-I, which is contrary to well settled principle of law.

6. For the reasons aforementioned, the writ petition is dismissed accordingly. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu